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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SHARON YUZARY, JON RACOW, HENRY HU,
MINA DIMETRY, TERON HAUGHTON, DANIEL
HAUER, BILLY TZEWA MUI, CALVIN
MAZLUMYAN, and KIM LEBLEU, on behalf of
themselves and all others similarly situated,

No. 12 Civ. 3693 (PGG)

Plaintiffs,

-against-

HSBC BANK USA, N.A.; HSBC USA, INC.; and
HSBC NORTH AMERICA HOLDINGS, INC.

Defendants.

**DECLARATION OF C.K. LEE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS,
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PLAINTIFFS' PROPOSED NOTICES OF SETTLEMENT**

I, C.K. Lee, declare as follows:

1. I am a partner in the firm of the Lee Litigation Group, PLLC (“Lee Litigation Group”) in New York, New York, and Plaintiffs’ counsel herein.
2. Along with lawyers from Outten & Golden LLP (“O&G”), Fitapelli & Schaffer, LLP (F&S), and the Shavitz Law Group, P.A. (“SLG”) (together with Lee Litigation Group, “Plaintiffs’ Counsel”), I am one of the lawyers primarily responsible for prosecuting Plaintiffs’ claims on behalf of the proposed class.
3. I make these statements based on personal knowledge and would so testify if called as a witness at trial.

My Background and Experience

4. I received a BS/BA from the University of Michigan/Ann Arbor, with concentrations in Biology and Chinese Language & Culture. I received a Juris Doctorate degree from The University of Pennsylvania Law School in 1997. I was admitted to the New York bar in 1998. I am also admitted to the bars of the Second Circuit Court of Appeals, the United States District Courts for the Eastern, and Southern Districts of New York. I am a member in good standing of each of these bars. Prior to establishing my own firm, I was associated with some of the top firms in New York City, including Clifford Chance, Morrison & Foerster and Schulte Roth & Zabel. Since April 2009, I have been engaged primarily in prosecuting wage and hour class and collective action cases. I am a Panel Expert approved by the New York City Bar Association. To qualify as a Panel Expert, I was subjected to a rigorous review process by employment law practitioners who were members of the New York City Bar Association.

5. I have served as lead counsel in numerous wage and hour class and collective actions, including *Han v. AB Gansevoort*, No. 11 Civ. 2423 (S.D.N.Y.); *Marie v. Energy*

Resources, No. 11 Civ. 2490 (S.D.N.Y.); *Han v. Sterling National Mortgage*, No. 09 Civ. 5589 (E.D.N.Y.); *Amaya v. 166 Park*, No. 11 Civ. 1081 (E.D.N.Y.), among others.

The HSBC Overtime Litigation

6. On February 7, 2012, Lee Litigation Group filed a lawsuit in the United States District Court for the Southern District of New York on behalf of Plaintiff Mui, captioned *Mui v. HSBC Bank USA, N.A., et al.*, No. 12 Civ. 961 (BSJ) (“*Mui*”), bringing FL SA collective action claims and Federal Rule of Civil Procedure 23 (“Rule 23”) class claims under the New York Labor Law (“NYLL”).

Investigation and Discovery

7. Before initiating *Mui*, Lee Litigation Group conducted a thorough investigation into the merits of the potential claims and defenses.

8. This included investigation and legal research on the underlying merits of the class claims, the likelihood of obtaining liquidated damages and securing an extended FL SA statute of limitations, the proper measure of damages, and the likelihood of class certification.

We also researched Defendants’ likely affirmative defenses: the FL SA’s administrative, outside sales, and highly-paid exemptions, and their counterparts under state law.

9. Lee Litigation Group also conducted in-depth interviews with several Plaintiffs, opt-ins, and other Class Members who worked in all of the Covered Positions to determine hours worked, wages paid, the nature of their duties, and other relevant information.

10. Plaintiffs’ Counsel also obtained and reviewed over hundreds of pages of documents from our clients including pay stubs, compensation reports, compensation plans, offer letters, performance reviews, and job descriptions.

11. Plaintiffs’ Counsel also drafted a motion for conditional certification under the

FLSA and obtained 14 supporting declarations.

12. Plaintiffs also obtained documents and data from Defendants that helped Plaintiffs evaluate the risks of the case and calculate damages. Defendants produced comprehensive data for over 2,000 Class Members, showing relevant job titles, average pay rates, incentive pay, weeks worked, and locations. Defendants also produced documents showing branch hours by location and several hundred pages of samples of Plaintiffs' emails.

13. Plaintiffs also conducted a half-day interview with a high-level corporate representative as part of the informal discovery process, which included questions regarding the job titles at issue, the job duties of each position, compensation ranges, HSBC's compensation policies, and hours worked.

I declare under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 26th day of November, 2012
New York, New York.



C.K. Lee

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